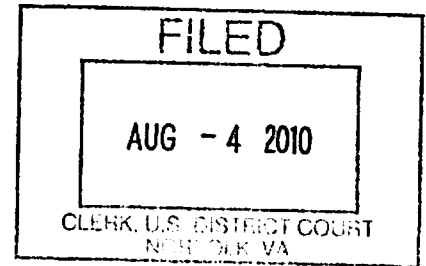


**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Newport News Division**



**DELLA LEE GEHRMANN,**

**Plaintiff,**

**v.**

**ACTION NO. 4:09cv112**

**STERLING JEWELERS, INC, et al.,**

**Defendants.**

**DISMISSAL ORDER**

Plaintiff originally brought this action in state court. Defendants removed this action to this Court and filed, among other pleadings, a Motion to Stay the Proceedings because the dispute was contractually required to be submitted to a mandatory, three-step alternative dispute resolution procedure that culminates in a binding arbitration. The Court thus stayed this action on October 27, 2009, for six months to permit the parties to pursue the alternative dispute resolution process. Counsel was requested to file a status report with the Court by January 2010. Counsel did so and advised the Court that Plaintiff had not initiated the process, despite having been provided the form to do so. The Court then ordered Plaintiff to submit the forms necessary to begin the process within seven days of its February 1, 2010, Order, and ordered Plaintiff to show cause why this action should not be dismissed. Plaintiff failed to timely respond, and the Court dismissed this action on February 25, 2010. Plaintiff then filed a Motion for Reconsideration, claiming that she had sent Defendants the required form. Defendants represented that they had not received the form.

The Court held a hearing on Plaintiff's Motion for Reconsideration, and ruled that the action should be reinstated. The Court by Order dated March 18, 2010, directed the parties to move with dispatch in resolving the matter and further stayed this action until July 16, 2010. On July 15, 2010, Defendants represented to the Court that while Step 1 of the alternative dispute resolution process had been completed, Step 2 had not been because Plaintiff had not submitted the claim form to initiate Step 2.

The Court then issued an Order to Show Cause on July 23, 2010, requiring Plaintiff to show cause why this action should not be dismissed. Plaintiff claims she did not initially receive the Step 2 form first sent to her, despite the UPS confirmation that it was delivered to her home address. She does not, however, deny that she was provided the form at least two additional times on June 21, 2010, and June 28, 2010. In the June 28, 2010, letter, Defendants advised Plaintiff in writing that her claim would be processed as if timely submitted if she returned the Step 2 form. Accordingly, she has had the Step 2 form for over a month. In her August 2, 2010, response to the Order to Show Cause, Plaintiff does not state that she has sent in the Step 2 claim form. Instead, she asks for the Court's protection because she is a pro se party not trained in the law.

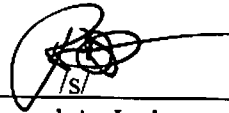
The Court has, as it should, shown Plaintiff deference because she is a pro se party. The Court reinstated this action after dismissal even though Plaintiff failed to timely respond to the Court's first Order to Show Cause. The Court's deference can, however, extend only so far. Plaintiff was told that to appeal the Step 1 determination, she needed to fill out and timely submit the Step 2 form. She does not dispute that she has been provided the form for at least a month now and that she still has not submitted it. The directions are not ambiguous, and Plaintiff does not need legal expertise to follow them.

Accordingly, the Court finds that Plaintiff has failed to establish any reason for this Court to retain jurisdiction over this dispute. This action is hereby **DISMISSED**.

Plaintiff may appeal from this final Dismissal Order by forwarding a written notice of appeal to the Clerk of the United States District Court, Newport News Division, 2400 West Avenue, Newport News, Virginia 23607. Said written notice must be received by the Clerk within thirty (30) days from the date of this Dismissal Order. If Plaintiff wishes to proceed *in forma pauperis* on appeal, the application to proceed *in forma pauperis* is to be submitted to the Clerk of the United States District Court, Newport News Division, 2400 West Avenue, Newport News, Virginia 23607.

The Clerk is **DIRECTED** to send a copy of this Dismissal Order to Plaintiff and counsel for Defendants.

**IT IS SO ORDERED.**

  
\_\_\_\_\_  
Raymond A. Jackson  
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia  
August 4, 2010